

# **EXHIBIT L**

Scott Stevens, Volume 1, 7/9/2004

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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In re: )  
)  
FLEMING COMPANIES, INC.; ) No. 03-10945 (MFW)  
et al., ) VOLUME I  
Debtors. )  
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Deposition of SCOTT STEVENS, taken  
at 209 S.W. Oak Street, Suite 500,  
Portland, Oregon, commencing at 1:52 p.m.,  
Friday, July 9, 2004, before Phillip A.  
Rader, a Notary Public.

PAGES 1 - 42

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22

23 ALSO PRESENT

24

25 MICHAEL GRAMZA, VIDEOGRAPHER

1 MR. HOGAN: I beg your pardon? 14:04:02  
2 MR. CAPOZZOLA: We're going to move the 14:04:04  
3 phone so it's closer to the witness. 14:04:06  
4 Is everybody still there? 14:04:19  
5 Let's go off the record. 14:04:23  
6 THE VIDEOGRAPHER: The time is 2:01 p.m. 14:04:26  
7 We're off the record. 14:04:27  
8 (Discussion off the record.) 14:06:32  
9 (The answer was read as requested.) 14:06:32  
10 BY MR. CAPOZZOLA: 14:06:35  
11 Q. Do you recall that June 18 was a Friday? 14:06:35  
12 A. Yes. 14:06:39  
13 Q. And then 19 would be Saturday; 20 would be 14:06:40  
14 Sunday. 14:06:45  
15 So if the following Tuesday was when you 14:06:46  
16 pulled out, that would have been on or about June 14:06:48  
17 22? 14:06:52  
18 A. It sounds right, yes. 14:06:52  
19 Q. As the account executive on the Fleming 14:06:52  
20 project, what is your understanding as to why NTI -- 14:06:59  
21 withdrawn. A premise question first. 14:07:03  
22 Do you have an understanding that NTI 14:07:06  
23 pulled out of the agreement with Fleming? 14:07:08  
24 A. Yes. 14:07:10  
25 MR. HOGAN: I'm going to object. 14:07:11

1 Foundation. Hearsay. 14:07:12

2 BY MR. CAPOZZOLA: 14:07:13

3 Q. You are the account executive supervising 14:07:13

4 this project, right? 14:07:16

5 A. Yes. 14:07:17

6 Q. What is your understanding as to why NTI 14:07:18

7 pulled out of the agreement with Fleming? 14:07:20

8 MR. HOGAN: Objection. Lack of 14:07:22

9 foundation. Hearsay. 14:07:24

10 MR. KETTERLING: You can answer. 14:07:25

11 BY MR. CAPOZZOLA: 14:07:27

12 Q. Go ahead. 14:07:27

13 A. Okay. My understanding of why we pulled out 14:07:28

14 is that Wayne Berry's attorney contacted Mike 14:07:32

15 Anderson on -- it would have been the 21st, Monday 14:07:36

16 evening, and had a brief discussion alluding to a 14:07:42

17 potential lawsuit that would be filed if NTI 14:07:47

18 followed through with its current Statement of Work. 14:07:49

19 And Mike then got in touch with their parent 14:07:55

20 company, Armor Holdings, and their attorneys out of 14:08:00

21 New York, and requested direction as to whether or 14:08:04

22 not to proceed with the knowledge that the lawsuit 14:08:07

23 could be eminent. And we decided on the 22nd to 14:08:11

24 pull out. 14:08:15

25 MR. HOGAN: Again, my objection. Move 14:08:17

1 to strike. 14:08:18

2 BY MR. CAPOZZOLA: 14:08:19

3 Q. Why was it that you decided to pull out? 14:08:19

4 A. My understanding of that decision is that the 14:08:21

5 -- the risk of lawsuit and the expenditure of money 14:08:25

6 was too great to move forward. 14:08:30

7 Q. As the account executive on the project, is 14:08:32

8 it safe to say that you were involved in the process 14:08:37

9 of making that decision, or were you at least 14:08:38

10 included? 14:08:41

11 A. I was included; not necessarily a part of the 14:08:43

12 actual decision-making process. But obviously kept 14:08:46

13 up to speed on the status of things. Sure. 14:08:49

14 Q. Is it your understanding that if Mr. Hogan 14:08:51

15 had not called Mr. Anderson, the project would have 14:08:52

16 been completed? 14:08:55

17 A. Yes. 14:08:55

18 MR. HOGAN: Objection. It calls for 14:08:56

19 speculation. Lack of personal knowledge. 14:08:58

20 BY MR. CAPOZZOLA: 14:08:59

21 Q. What is your answer, sir? I'm sorry. 14:08:59

22 A. Yes. 14:09:01

23 Q. What was your understanding of the time frame 14:09:02

24 for completing the project embodied by the 14:09:04

25 consulting agreement, Exhibit 3? 14:09:07

1 A. My understanding of completing the Statement 14:09:08  
2 of Work was that we were going to have it done by 14:09:12  
3 the first week of July. 14:09:15  
4 Q. Okay. 14:09:16  
5 MR. CAPOZZOLA: I think I have nothing 14:09:16  
6 else for this witness right now. 14:09:24  
7 MR. HOGAN: I have some questions. This 14:09:26  
8 is Tim Hogan. I'll let everyone else go first. 14:09:27  
9 MR. CAPOZZOLA: I think you can go 14:09:31  
10 ahead, Mr. Hogan. 14:09:32  
11 EXAMINATION 14:09:32  
12 BY MR. HOGAN: 14:09:33  
13 Q. What was your first name, sir? Your last 14:09:34  
14 name is Stevens, correct? 14:09:41  
15 A. Last name Stevens. First name Scott. 14:09:41  
16 Q. Where are you from? 14:09:41  
17 A. Portland, Oregon. 14:09:42  
18 MR. CAPOZZOLA: Objection. Relevance. 14:09:43  
19 BY MR. HOGAN: 14:09:45  
20 Q. I'm sorry? 14:09:45  
21 MR. CAPOZZOLA: Go ahead and answer. 14:09:46  
22 Objection. Relevance. 14:09:47  
23 A. Portland, Oregon. 14:09:48  
24 BY MR. HOGAN: 14:09:50  
25 Q. Portland, Oregon. 14:09:50



REPORTER'S CERTIFICATE

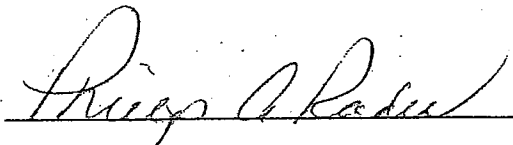
I, PHILLIP A. RADER, do hereby certify:

That the foregoing deposition testimony of SCOTT STEVENS was taken before me at the time and place therein set forth, at which time the witness, was placed under oath and was sworn by me to tell the truth, the whole truth, and nothing but the truth;

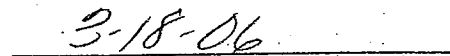
That the testimony of the witness and all objections made by counsel at the time of the examination were transcribed under my direction and supervision, and that the foregoing pages contain a full, true and accurate record of all proceedings and testimony to the best of my skill and ability.

I further certify that I am neither counsel for any party to said action, nor am I related to any party to said action, nor am I in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name this 15th day of July, 2004.



Signature



Expiration Date

